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JAN 22 2024	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: KID	DEPUTY

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LEAHA WHITE

Plaintiff,

v.

**LVNV FUNDING LLC., DBA RESURGENT
CAPITAL SERVICES**

Defendant,

JURY TRIAL DEMANDED

Case No.

2:24-cv-00140-CDS-BNW

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff Leaha White (hereinafter "Plaintiff"), an individual consumer, against Defendant LVNV Funding LLC (hereinafter "LVNV") for violations of the Fair Debt Collection Practices Act, 15 U.S.C § 1692 et seq. (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair collection practices.

II. JURISDICTION AND VENUE

2. The court has jurisdiction under 15 U.S.C § 1692k and 28 U.S.C § 1331. Venue in this District is proper as the Defendant transacts business in Nevada.

III. PARTIES

3. Plaintiff is a natural person residing in the District of Nevada. Plaintiff is a consumer as defined by the Fair Debt Collection Practices Act, 15 U.S.C. § 1692a(3).

4. Upon information and belief, LVNV's principal place of business is 6801 S. Cimarron Rd Dr Ste #424J, Las Vegas, Nevada.

5. LVNV is a debt collector who regularly collects or attempts to collect debts from consumers using the mail and telephone. Defendant regularly attempts to collect

consumers' debts alleged to be due to another. LVNV is a "debt collector" as defined by the FDCPA, 15 U.S.C § 1692a(6).

IV. FACTS OF THE COMPLAINT

6. LVNV is attempting to collect debts that arose from transactions in which the money, property, insurance or services which are the subject of the transactions are primarily for personal, family or household purposes.

7. On December 18, 2023, Plaintiff wrote LVNV a letter disputing the debts alleged to be owed to Comenity Capital Bank and Credit One Bank and requested validation of the alleged debts. **(Please see Exhibit A).**

8. Plaintiff notified LVNV in her letter that the only convenient way to contact her was via email.

9. On or around December 26, 2023, the letter was delivered via certified mail to LVNV with tracking number 9589071052700621183936. **(Please see Exhibit B).**

10. On December 29, 2023, LVNV sent correspondence to the Plaintiff via mail stating, "this is an attempt to collect a debt and any information will be used for that purpose." LVNV responded in a way that they know or should have known to be inconvenient to the Plaintiff. **(Please see Exhibit C).**

11. LVNV's correspondence was in violation of 15 U.S.C § 1692c(a)(1) for communicating with the Plaintiff at an unusual time or place known, or which should be known to be inconvenient to the Plaintiff.

12. Plaintiff has and continues to suffer actual damages as a result of the illegal attempts to collect on the alleged debts by LVNV in the form of anxiety, decreased ability to focus on tasks while at work, frustration, emotional distress, amongst other negative emotions, as well as damage to FICO scores.

13. LVNV has disturbed plaintiffs' peace and blood pressure. The anxiety and worry were caused by concerns if LVNV was going to continue their unlawful collection activity.

IV. CLAIM FOR RELIEF

14. Plaintiff re-alleges and reincorporates all previous paragraphs as if fully set out herein.

15. **LVNV violated the FDCPA. LVNV's violations include, but are not Limited to, the following:**

16. LVNV intentionally communicated with the Plaintiff in connection with collection of alleged debts at a time and place that was known by LVNV to be an inconvenience to the Plaintiff, thus violating 15 U.S.C § 1692c(a)(1).

17. As a result of the above violation of the FDCPA, LVNV is liable to Plaintiff for actual damages and statutory damages pursuant to 15 U.S.C § 1692k.

VII. JURY DEMAND AND PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully demands a jury trial and requests that judgment be entered in favor of Plaintiff and against LVNV for:

- A. Judgment for the violations occurred for violating the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. For such other and further relief as the Court may deem just and proper.

Dated: January 22, 2024

Respectfully Submitted,

/s/ Leaha White
4939 Abundance Street
Las Vegas, Nevada 89031
702-750-7988 (Phone #)
Email: Leahaawhite1990@gmail.com

Exhibit A

Leaha White
4939 Abundance St.
Las Vegas, NV 89031

LVNV Funding LLC
P.O. Box 10497
Greenville, SC 29603

Dispute of Alleged Debt & Validation Request.

To Whom it May Concern,

I am writing this letter to inform you that I dispute the alleged debts in the amounts of \$898.26 and \$1,169.40. I will need validation of this alleged debt sent to me via email since this is the only convenient and accessible method of communication for me at this time. Please send to the following email address: leahaawhite1990@gmail.com.

Sincerely,
Leaha White.

1/16/24, 8:59 AM

Exhibit B

image.png

Tracking Number:

9589071052700621183936

 Copy  Add to Informed Delivery

Latest Update

Your item has been delivered to an agent for final delivery in GREENVILLE, SC 29603 on December 26, 2023 at 6:37 am.

Get More Out of USPS Tracking:

 USPS Tracking Plus®

Delivered to Agent

Delivered to Agent for Final Delivery

GREENVILLE, SC 29603

December 26, 2023, 6:37 am

Arrived at Post Office

GREENVILLE, SC 29601

December 26, 2023, 6:34 am

In Transit to Next Facility

December 25, 2023

Arrived at USPS Regional Facility

GREENVILLE SC DISTRIBUTION CENTER

December 23, 2023, 1:33 pm

Departed USPS Regional Facility

LAS VEGAS NV DISTRIBUTION CENTER

December 20, 2023, 9:10 am

Arrived at USPS Regional Origin Facility

LAS VEGAS NV DISTRIBUTION CENTER

December 19, 2023, 9:13 pm

USPS picked up item

NORTH LAS VEGAS, NV 89032

December 13, 2023, 4:02 pm

View Tracking History

Exhibit C

PO Box 510090
Livonia MI 48151-6090



PJ85DJ02400121



LEAHA WILLIAMS
4939 ABUNDANCE ST
NORTH LAS VEGAS, NV 89031-0958

Account Number: *****0268
Original Creditor: Credit One Bank, N.A.
Current Owner: LVNV Funding LLC
Reference ID: 691415012
Balance: \$898.26
Accountholder Name: Leaha Williams

December 29, 2023

Dear Leaha Williams,

We have received a recent inquiry regarding the above-referenced account and have enclosed the account summary which provides verification of debt.

For further assistance, please contact one of our Customer Service Representatives toll-free at 1-866-464-1187.

Sincerely,

Resurgent Capital Services L.P.

Enclosure

Please read the following important notices as they may affect your rights.

This is an attempt to collect a debt and any information obtained will be used for that purpose. This communication is from a debt collector.

The law limits how long you can be sued on a debt. Because of the age of your debt, LVNV Funding LLC cannot sue you for it. If you do not pay the debt, LVNV Funding LLC may report or continue to report it to the credit reporting agencies as unpaid.



Hours of Operation
8:00AM-9:00PM EST
Monday - Thursday
8:00AM-7:00PM EST
Friday
9:00AM-5:00PM EST
Saturday - Sunday



General Disputes/Correspondence
PO Box 10497
Greenville, SC 29603-0497
Credit Bureau Disputes
PO Box 1269
Greenville, SC 29602



Contact Numbers
Toll Free Phone
1-866-464-1187
Toll Free Fax
1-866-467-0163



Customer Portal
Resurgent.com



CREDIT ONE BANK CREDIT CARD STATEMENT
 Account Number 4447 9623 8498 0268
 January 09, 2020 to February 08, 2020

Exhibit C(1)

SUMMARY OF ACCOUNT ACTIVITY		
Previous Balance		\$839.25
Payments	-	\$0.00
Other Credits	-	\$0.00
Purchases	+	\$0.00
Cash Advances	+	\$0.00
Fees Charged	+	\$43.25
Interest Charged	+	\$15.76
New Balance		\$898.26
Credit Limit		\$500.00
Available Credit		\$0.00
Statement Closing Date		02/08/20
Days in Billing Cycle		31

QUESTIONS?

Call Customer Service or Report
 a Lost or Stolen Credit Card 1-877-825-3242
 Outside the U.S. Call 1-702-405-2042
 Please send billing inquiries and correspondence to:
 P.O. Box 98873, Las Vegas, NV 89193-8873

PAYMENT INFORMATION		
New Balance		\$898.26
Past Due Amount		\$238.00
Amount Due This Period		\$898.26
Minimum Payment Due		\$898.26
Payment Due Date		03/04/20
Late Payment Warning:		
If we do not receive your minimum payment by the date listed above, you may have to pay a late fee up to \$35.		
Minimum Payment Warning:		
If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance.		
For example:		
If you make no additional charges using this card and each month you pay...	You will pay off the balance shown on the statement in about...	And you will end up paying an estimated total of...
Only the minimum payment	1 month	\$898.00
If you would like a location for credit counseling services, call 1-888-515-5720.		

TRANSACTIONS					
Reference Number	Trans Date	Post Date	Description of Transaction or Credit		Amount
F572700DN000CYLAC	02/08	02/08	Fees		
	02/08	02/08	ANNUAL FEE 03/20 THROUGH 03/20		8.25
			LATE FEE		35.00
			TOTAL FEES FOR THIS PERIOD		43.25
			Interest Charged		
	02/08	02/08	Interest Charge on Purchases		15.76
	02/08	02/08	Interest Charge on Cash Advances		0.00
			TOTAL INTEREST FOR THIS PERIOD		15.76
			2020 Totals Year-to-Date		
			Total fees charged in 2020	\$86.50	
			Total interest charged in 2020	\$30.62	

Your account is currently closed.

INTEREST CHARGE CALCULATION			
Your Annual Percentage Rate (APR) is the annual interest rate on your account.			
Type of Balance	Annual Percentage Rate (APR)	Balance Subject to Interest Rate	Interest Charge
Purchases	25.15%(v)	\$752.07	\$15.76
Cash Advances	25.15%(v)	\$0.00	\$0.00
(v) = Variable Rate			

5385 JBH 001 7 8 200207 0 CXPAGE 1 of 1 20 5727 9620 M165 01GR5385

Please return this portion with your payment, and write your account number on your check, made payable to CREDIT ONE BANK.



For address, telephone and email changes, please complete the reverse side.
 Or, update your contact information online at www.CreditOneBank.com.

PAY YOUR BILL ONLINE at CreditOneBank.com

Account Number: 4447 9623 8498 0268
 New Balance: \$898.26
 Minimum Payment Due: \$898.26
 Payment Due Date: 03/04/20

AMOUNT ENCLOSED: \$



CREDIT ONE BANK
 PO BOX 80600
 CITY OF INDUSTRY CA 91716-0600

LEAHA WILLIAMS
 APT 1070
 3940 SCOTT ROBINSON BLVD
 N LAS VEGAS NV 89032-7873

0000000 0089826 0089826 4447962384980268 7

Exhibit C(2)

ACCOUNT SUMMARY REPORT

12/28/2023 12:34:30 PM

This account summary has been prepared by Resurgent Capital Services on behalf of LVNV Funding LLC. It is not a credit card or other account statement from the original creditor.

Borrower Information	Current Account Information
Name: LEAHA WILLIAMS Address: 4939 Abundance St City: North Las Vegas State: NV Zip Code: 89031-0958	Owner: LVNV Funding LLC Resurgent Reference #: 691415012 Original Creditor: Credit One Bank, N.A. Account Number: XXXXXXXXXXXX0288 Current Balance Due: \$898.26 Date of Last Payment: 06/10/2019

Historical Account Information

The original creditor for this account was:	Credit One Bank, N.A. P.O. Box 98873 Las Vegas, NV 89193
The origination date with original creditor was:	02/25/2018
The account charge-off date was:	02/09/2020
The account charge-off amount was:	\$898.26
The account was acquired on or about:	03/18/2020
The account balance at time of acquisition:	\$898.26

This communication is from a debt collector and this is an attempt to collect a debt. Any information obtained will be used for that purpose.



Exhibit C (3)

PO Box 510090
Livonia MI 48151-6090



PJ85DJ02300208



LEAHA WILLIAMS
4939 ABUNDANCE ST
NORTH LAS VEGAS, NV 89031-0958

Account Number: *****2876
Original Creditor: Comenity Capital Bank
Current Owner: LVNV Funding LLC
Reference ID: 744214111
Balance: \$1,169.40
Accountholder Name: Leaha Williams

December 29, 2023

Dear Leaha Williams,

Resurgent Capital Services L.P. manages the above referenced account for LVNV Funding LLC and has initiated a review of the inquiry recently received.

For further assistance, please contact one of our Customer Service Representatives toll-free at 1-866-464-1187.

Sincerely,

Resurgent Capital Services L.P.

Please read the following important notices as they may affect your rights.

This is an attempt to collect a debt and any information obtained will be used for that purpose. This communication is from a debt collector.

The law limits how long you can be sued on a debt. Because of the age of your debt, LVNV Funding LLC cannot sue you for it. If you do not pay the debt, LVNV Funding LLC may report or continue to report it to the credit reporting agencies as unpaid.



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General Disputes/Correspondence
PO Box 10497
Greenville, SC 29603-0497
Credit Bureau Disputes
PO Box 1269
Greenville, SC 29602



Contact Numbers
Toll Free Phone
1-866-464-1187
Toll Free Fax
1-866-467-0163



Customer Portal
Resurgent.com



Exhibit C(4)

ACCOUNT SUMMARY REPORT

12/28/2023 12:54:29 PM

This account summary has been prepared by Resurgent Capital Services on behalf of LVNV Funding LLC. It is not a credit card or other account statement from the original creditor.

Borrower Information	Current Account Information
Name: LEAHA WILLIAMS Address: 4939 Abundance St City: North Las Vegas State: NV Zip Code: 89031-0958	Owner: LVNV Funding LLC Resurgent Reference #: 744214111 Original Creditor: Comenity Capital Bank Account Number: XXXXXXXXXXXXXXX2876 Merchant: My Place Rewards Credit Card Current Balance Due: \$1169.40 Date of Last Payment: 04/21/2019

Historical Account Information

The original creditor for this account was:	Comenity Capital Bank
	PO Box 182273
	Columbus, OH 43218
The origination date with original creditor was:	12/20/2017
The account charge-off date was:	11/30/2019
The account charge-off amount was:	\$1,169.40
The account was acquired on or about:	12/29/2022
The account balance at time of acquisition:	\$1,169.40

This communication is from a debt collector and this is an attempt to collect a debt. Any information obtained will be used for that purpose.

